

THE HONORABLE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT
WESTERN DISTRICT COURT OF WASHINGTON
AT SEATTLE

STATE OF WASHINGTON;

Plaintiff,

v.

LANDMARK TECHNOLOGY A, LLC, and
RAYMOND MERCADO, individually,

Defendants.

NO. 2:21-cv-00728-RSM

DECLARATION OF JUSTIN P. WALSH
IN SUPPORT OF DEFENDANTS'
RESPONSE IN OPPOSITION OF
PLAINTIFF'S MOTION FOR RULING
REGARDING THE APPLICABLE
LEGAL TEST FOR DETERMINING BAD
FAITH AND CROSS-MOTION FOR
SUMMARY JUDGMENT
ESTABLISHING APPLICABLE LEGAL
TEST FOR *NOERR-PENNINGTON*
IMMUNITY

COMES NOW Justin P. Walsh, under penalty of perjury under the laws of the United States of America, and swears as follows:

1. I am over the age of eighteen, am competent to be a witness, and am the attorney representing Landmark Technology A, LLC and Raymond Mercado in this suit.

2. The following exhibits are true and correct copies of the original documents:

a. Activision's Motion to Enjoin Enforcement, *Activision TV, Inc. v. Pinnacle Bancorp, Inc.*, No. 8:13-cv-00215 (D. Neb. Aug. 19, 2013) (Dkt. 9) (Exhibit 1).

b. MPHJ's Motion for Memorandum to Enjoin Enforcement, *Activision TV, Inc. v. Pinnacle Bancorp, Inc.*, No. 8:13-cv-00215 (D. Neb. Oct. 8, 2013) (Dkt. 54)

DECL. OF JUSTIN WALSH DEFS.' RESP. IN OPP'N OF PL.'S
MOT. FOR RULING REGARDING THE APPLICABLE LEGAL
TEST FOR DETERMINING BAD FAITH & CROSS-MOT. FOR
SUMM. J. ESTABLISHING APPLICABLE LEGAL TEST FOR
NOERR-PENNINGTON IMMUNITY - 1

Gleam Law, PLLC

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Seattle, WA 98104
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1 (Exhibit 2).

2 I swear under penalty of perjury under the laws of the United States of America the
3 foregoing is true and correct.
4

5 DATED this 6th day of May, 2024.

6 Gleam Law, PLLC
7

8 /s/ Justin P. Walsh

9 Justin P. Walsh, WSBA No. 40696

10 Gleam Law, PLLC

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16 Of Attorney for Defendants
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CERTIFICATE OF SERVICE

The undersigned hereby certifies under penalty of perjury under the laws of the United States of America, that on the date noted below, a true and correct copy of the foregoing was delivered and/or transmitted in the manner(s) noted below:

ROBERT W. FERGUSON	<i>Attorneys for Plaintiff</i>	<input type="checkbox"/> Via Messenger
Attorney General		<input checked="" type="checkbox"/> Via Email
AARON J. FICKES, WSBA #51584		<input type="checkbox"/> Via Certified Mail
BEN J. BRYSAZ, WSBA #54683		<input type="checkbox"/> Via U.S. Mail
HEIDI C. ANDERSON, WSBA #37603		<input checked="" type="checkbox"/> Via ECF
Assistant Attorneys General		
Attorneys for Plaintiff State of Washington		
800 Fifth Avenue, Suite 2000		
Seattle, WA 98104		

DATED this 6th day of May, 2024.

/s/ Brittany Duplantis
Brittany Duplantis, Legal Assistant